

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	CASE NO. 10-12282
FRANK A. SCHLOSSER and	:	
PRISCILLA F. SCHLOSSER,	:	
Debtors	:	CHAPTER 13
-----	:	
FRANK A. SCHLOSSER and	:	
PRISCILLA F. SCHLOSSER,	:	
Movants	:	
vs.	:	
PNC BANK,	:	
Respondent	:	

MOTION TO EXCUSE REQUIREMENT FOR LENDER TO FILE  
NOTICE OF MORTGAGE PAYMENT CHANGE AND FOR  
DEBTORS RESPONSE THERETO

COMES NOW, by and through their counsel, and file this Motion to Excuse Requirement for Lender to File Notice of Mortgage Payment Change and for Debtor's Response thereto, a statement of which is as follows:

1. Movants are the Debtors in the above captioned matter.
2. The Attorney for the Movant is Stephen H. Hutzelman, Esq., having a place of business at 305 West Sixth Street, Erie PA 16507.
3. The Respondent is PNC Bank having a place of business at P.O. Box 94982, Cleveland OH 44101.
4. PNC Bank is now the holder of a second lien on the property namely a mortgage securing a line of credit agreement with a limit of \$20,000.00.
5. The Mortgage above where the claim of the Respondent rests, calls for interest only payments. As a result, any amount paid in excess of interest due would cause, the required payment would change slightly each month.
6. The Debtor's Chapter 13 plan, calls for payments to Respondent in the amount of \$116.01, an amount which exceeds the actual monthly payment now due under the terms of the agreement but which is reducing the total secured claim.

7. After not filing Notice of Mortgage Payment Changes for sometime, PNC Bank has Notice of Mortgage Payment Change in September and October 2014. The most recent Notice changed the monthly payment from \$42.17 to \$42.07.

8. Debtors are required to respond to each such Notice of Mortgage Payment Change and the Trustee is required to make such adjustments as necessary.

9. The Movant propose that the payment for such claim remain at \$116.01 per month pursuant to the plan, and so long as this payment is adequate to cover the monthly payment required by Respondent for such claim, that Respondent be excused from the need to file Notice of Mortgage Payment Change and Movants be excused from filing Responses thereto. If the payment should exceed \$116.00 per month currently set forth in the Chapter 13 plan, the Respondent shall resume it's filing of Notice of Mortgage Payment Change and Debtor would resume responses thereto.

WHEREFORE, Movants propose that this Court enter an Order that the payment for the claim of the Respondent shall remain at \$116.01 per month pursuant to the plan and that so long as this payment is adequate to cover the monthly required payment required by Respondent for said claim, that Respondent be excused from the need to file Notice of Mortgage Payment Change and the Movants excused from filing Responses thereto. If the required payment shall exceed \$116.01 per month as currently being paid pursuant to the plan, Respondent shall resume its filing of Mortgage Payment changes and the Movants will resume responses thereto.

Respectfully submitted,

SHAPIRA, HUTZELMAN, BERLIN,  
ELY, SMITH, & WALSH

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